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UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

Report of the Secretary-General

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I. INTRODUCTION

1. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was established by the General Assembly under its resolution 2099 (XX) of 20 December 1965 and has been continued under relevant resolutions repeated annually until 1971 and biennially thereafter. 1/ The most recent resolution concerning the Programme is resolution 48/29 of 9 December 1993.

2. In resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law, the General Assembly considered one of the main purposes of the Decade to be the encouragement of the teaching, study, dissemination and wider appreciation of international law and stressed the need to promote those activities. 2/ The foregoing was reaffirmed by the Assembly in its resolutions 45/40 of 28 November 1990, 47/32 of 25 November 1992 and 49/50 of 9 December 1994 by which it adopted the programme for the activities for the first term (1990-1992), the second term (1993-1994) and the third term (1995-1996) of the Decade respectively. 3/

3. Moreover, in its resolution 48/29, the General Assembly, bearing in mind the objectives of the United Nations Decade of International Law, authorized the Secretary-General to carry out in 1994 and 1995 the activities specified in the report that he had submitted at the forty-eighth session (A/48/580). The Assembly expressed its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in particular for the organization of the twenty-eighth 4/ and twenty-ninth 5/ sessions of the International Law Seminar, held at Geneva in June 1992 and June 1993 respectively, and for the activities of the Office of Legal Affairs of the Secretariat related to the fellowship programme in international law and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, carried out, respectively, through its Codification Division and its Division for Ocean Affairs and the Law of the Sea. The Assembly also expressed its appreciation to the United Nations Institute for Training and Research (UNITAR) and to the United Nations Educational, Scientific and Cultural Organization (UNESCO) for their participation in the Programme.

4. In paragraph 17 of resolution 48/29, the General Assembly requested the Secretary-General to report to it at its fiftieth session on the implementation of the Programme during 1994 and 1995 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

5. The present report deals with the implementation of the Programme of Assistance during 1994-1995 in accordance with the guidelines and recommendations submitted regarding the execution of the Programme in subsequent years. The report, inter alia, gives an account of the activities performed by the United Nations itself and of those in which the Organization has participated, as well as a description submitted to the Secretary-General by UNITAR and UNESCO concerning their own activities.

II. IMPLEMENTATION OF THE PROGRAMME DURING THE BIENNIUM 1994-1995

A. Activities of the United Nations

1. Geneva International Law Seminar

6. Pursuant to General Assembly resolution 48/31 of 9 December 1993, the United Nations Office at Geneva organized the thirtieth session of the International Law Seminar during the forty-sixth session of the International Law Commission. The Seminar is intended for postgraduate students of international law and young professors or government officials dealing with questions of international law in the course of their work. Twenty-four candidates of different nationalities, mostly from developing countries, were selected. Twenty-three of the selected candidates were able to participate in the 1994 session of the Seminar, which was held at the Palais des Nations from 20 May to 10 June 1994.

7. Participants were from the following countries: Belgium, China, Costa Rica, Cuba, Greece, Guinea, Indonesia, Israel, Kenya, Mali, Mexico, Peru, Qatar, Republic of Moldova, Saint Lucia, Slovakia, Sri Lanka, South Africa, Syrian Arab Republic, Tunisia, Turkey, Ukraine and Zimbabwe. 6/

8. Furthermore, pursuant to General Assembly resolution 49/51 of 9 December 1994, the United Nations Office at Geneva organized the thirty-first session of the International Law Seminar during the forty-ninth session of the International Law Commission. Twenty-four candidates of different nationalities, mostly from developing countries, were selected. Twenty-three of the candidates were able to participate in the seminar which was held at the Palais des Nations from 22 May to 9 June 1995.

9. Participants were from the following countries: Argentina, Australia, Austria, Brazil, Bulgaria, Burkina Faso, Burundi, Côte d'Ivoire, Croatia, El Salvador, India, Jamaica, Japan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Mongolia, Niger, Rwanda, Spain, Switzerland, Trinidad and Tobago and Uruguay. 7/

10. During the three weeks of each session, the participants attended the meetings of the International Law Commission. In addition, a number of lectures were given at the Seminar. Some of the lectures were delivered by members of the Commission; others were given by officials of the United Nations and of the secretariats of other international organizations at Geneva, as well as of the International Committee of the Red Cross.

11. At the 1994 session, three working groups were created to deal with: (a) the legal basis for the establishment of an international criminal court; (b) international crimes (article 19 of the draft articles on State responsibility); and (c) reservations to multilateral treaties. At the 1995 session, two working groups were created to deal with: (a) the state of international law in the context of unilateral acts and (b) the consequences of international crimes. 8/ Both in 1994 and in 1995, each working group prepared

a paper on its topic; the papers were presented orally and copies were made available to the members of the Commission.

12. The Seminar is funded by voluntary contributions from Member States and through national fellowships awarded by Governments to their own nationals. The Commission noted with particular appreciation that in 1994 the Governments of Austria, Denmark, Finland, France, Germany, Iceland, Norway, Slovenia and Switzerland and in 1995 the Governments of Austria, Denmark, Finland, France, Germany, Ireland, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland had made fellowships available to participants from developing countries through voluntary contributions to the appropriate component of the United Nations Programme of Assistance. With the award of these fellowships, it was possible to achieve adequate geographical distribution of participants and to bring from distant countries deserving candidates who would otherwise have been prevented from participating in the session. For the 1994 session, full fellowships (travel and subsistence allowance) were awarded to 14 participants, and partial fellowships (subsistence only) to two participants. For the 1995 session, full fellowships were awarded to nine participants and partial fellowships to six participants. Thus, of 690 participants, representing 152 nationalities, who have participated in the Seminar since its inception in 1964, fellowships have been awarded to 374. 9/

13. At both sessions, the Commission stressed the importance it attached to the sessions of the Seminar, which enable young lawyers and especially those from developing countries to familiarize themselves with the work of the Commission and the activities of the many international organizations that have their headquarters at Geneva. However, as the available funds were almost exhausted, the Commission recommended that the General Assembly should again appeal to States able to do so to make the voluntary contributions needed to hold the Seminar in 1996 with as broad a participation as possible. 10/

14. The Commission also noted with satisfaction that, in 1995, comprehensive interpretation services had been made available to the Seminar. It expressed the hope that the same full services and facilities would be made available to the Seminar at the next session, despite existing financial constraints. 11/

2. Activities of the Office of Legal Affairs

(a) Public international law and other activities

15. As in the past, the Office of Legal Affairs of the United Nations Secretariat, and in particular its Codification Division, continued to perform various functions connected with the goals of the Programme.

16. Pursuant to the relevant recommendations of the Secretary-General (A/48/580, paras. 137 and 138) and paragraph 1 of resolution 48/29, the Office participated with UNITAR in the decision-making process on the various aspects relating to the general orientation of the Fellowship Programme in International Law, such as the selection of fellows and the appointment of lecturers for the Programme. In that connection, the officers responsible for the conduct of the Fellowship Programme in the Codification Division of the Office of Legal Affairs

and in UNITAR acted in close consultation to ensure the implementation of the guidelines for the Fellowship Programme as approved by the General Assembly. Furthermore, the Office of Programme Planning, Budget and Accounts of the Secretariat has vested in the Office of Legal Affairs the certifying authority for expenditures against the accounts related to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

17. Furthermore, the Office of Legal Affairs received and assigned interns to participate in activities related to some of its projects. The Office, in cooperation with the Office of Human Resources Management of the Secretariat, selects the interns and the duration and type of their training, which may consist in attaching the intern to a project of the Office of Legal Affairs related to matters in which the intern has a special interest, for academic or other reasons. None of the interns entail any financial burden for the Organization.

18. Members of the staff of the Office of Legal Affairs, upon the proposal of the Department of Public Information of the Secretariat, have also lectured at Headquarters on various aspects of international law and the law of international organizations to groups of foreign office officials and university students, as well as to representatives of non-governmental organizations.

19. The Codification Division, among other activities related to the Programme, also performs secretariat functions for the Advisory Committee on the Programme and has been involved in the preparation of the interim report of the Secretary-General on the implementation of the Programme.

20. The Division has also serviced the Working Group of the Sixth Committee on the United Nations Decade of International Law, originally established pursuant to paragraph 4 of General Assembly resolution 44/23 of 17 November 1989, and whose mandate has been renewed annually since 1991 12/ with a view to preparing generally acceptable recommendations for the Decade. The Division has furthermore been involved in the preparation of the annual reports of the Secretary-General on the Decade. The Codification Division was also mainly responsible for the preparation and organization of the United Nations Congress on Public International Law held in March 1995 in the framework of the United Nations Decade of International Law. It designed the programme of the Congress, both for the plenary meetings and the round-table discussions.

21. In addition, the Codification Division assists in the dissemination of information regarding United Nations work on the codification and progressive development of international law, as well as on some aspects regarding its application.

(b) Activities concerning the law of the sea and ocean affairs: the Hamilton Shirley Amerasinghe Memorial Fellowship

22. The activities of the Division for Ocean Affairs and the Law of the Sea aimed at promoting the acquisition of additional knowledge of the law of the sea and its wider application have been continued by providing training and

assistance, inter alia, through the annual award of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea.

23. The fellowship was launched in accordance with General Assembly resolution 35/116 of 10 December 1980; the programme has as its purpose the advancement of the fellows in their chosen professions or vocations, which would contribute to the development of their countries, and the acquisition by them of additional knowledge on, better understanding of and greater specialization in the fields of study related to the law of the sea, its implementation and marine affairs.

24. The fellowship award enables chosen fellows to pursue postgraduate-level research and training in the field of the law of the sea, its implementation and related marine affairs. Research and study facilities at the postgraduate level are provided for the successful fellows at the participating institutes of higher education. An internship period of three months is provided in the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs. The universities participating in the programme are the following: Centre for Ocean Law and Policy, University of Virginia, United States of America; Dalhousie Law School, Halifax, Canada; Graduate Institute of International Studies, Geneva; Marine Policy Center, Woods Hole Oceanographic Institution, Massachusetts, United States; Netherlands Institute for the Law of the Sea, University of Utrecht, Netherlands; Research Centre for International Law, University of Cambridge, United Kingdom; School of Law, University of Georgia, United States; School of Law, University of Miami, United States; School of Law, University of Washington, United States; and William S. Richardson School of Law, University of Hawaii, United States.

25. The guidelines and rules of the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea set out the application and selection procedures and specify the facilities provided under the programme. These are consistent with the appropriate practices of the United Nations regarding the award of fellowships under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. 13/

26. Applications are received globally in response to invitations extended through the offices of the resident representatives of the United Nations Development Programme (UNDP) and through the United Nations information centres. The selection of candidates is subject to a two-stage process. The preliminary stage of review of the individual applications and nominations, which are received from Governments, governmental agencies, institutions and bodies, is carried out by the Division for Ocean Affairs and the Law of the Sea in cooperation with the Codification Division of the Office of Legal Affairs. A short list of candidates is drawn up for evaluation by an Advisory Panel.

27. Eight annual awards and one special award have been made since 1986. The awards are made by the Legal Counsel of the United Nations; prior to 1992 they were made by the Special Representative of the Secretary-General for the Law of the Sea. Awards are made on the basis of the recommendation of the Advisory Panel. The Advisory Panel is composed of eight eminent persons in international affairs, the law of the sea and related fields. The Panel is constituted to evaluate the candidates and make recommendations on the most suitable candidate,

with two reserves. It is on the basis of this recommendation that the award is made.

28. The eight annual awards made since the institution of the Fellowship Programme went: in 1986 to a lawyer from the Ministry of Foreign Affairs of Nepal; in 1987 to a lawyer from the Ministry of Foreign Affairs of the United Republic of Tanzania; in 1988, to a Legal Adviser attached to the Ministry of Foreign Affairs of Chile; in 1989, to a State Counsel with the Ministry of Legal Affairs of Trinidad and Tobago; in 1990, to a jurist from the Ministry of Foreign Affairs of Sao Tome and Principe; in 1991, to a lecturer at the Faculty for Maritime and Transportation Studies, University of Rijeka, now Croatia; in 1992, to the Acting Chief of the International Law and Treaty Subdivision, Department of Fisheries of the Ministry of Agriculture and Cooperation of Thailand; and in 1994, to a diplomatic officer attached to the Ministry of External Relations of Cameroon. 14/ The eight annual fellowships awarded since the commencement of the programme have included candidates from nearly all regions of the world.

29. Also in 1994, a special award went to a State Counsel from the Seychelles attached to the Office of the Attorney-General. This special award was made possible by a generous grant of the United Kingdom in the amount of $23,574. The United Kingdom requested that the recipient of the fellowship for the academic year 1995/96 should be chosen from a developing country and should pursue a one-year LLM (master's programme in law) programme or carry out advanced study and research at the graduate level at a university in the United Kingdom followed by an internship period with the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs. The Advisory Panel welcomed the contribution. While extending its appreciation to the United Kingdom Government, the Panel expressed the hope that this gesture could be repeated as a reflection of a continuing commitment and urged other countries to consider following the example of the United Kingdom Government.

30. In recent years, the fellowship fund has been reduced to the level where the capital of the fund is being consumed rather than annual income from the fund. This is contrary to the stated objectives at the time the fund was established. The annual fellowships are funded from the interest accrued under the Hamilton Shirley Amerasinghe fellowship fund. This meets the cost of round-trip air travel of the successful fellow from the home country to the educational institution and thereafter to United Nations Headquarters and back to the home country. It also provides a subsistence allowance while at the university and during the internship period with the United Nations, Division for Ocean Affairs and the Law of the Sea, in New York, on the basis of established United Nations rates for fellowships. Under the fellowship programme, the participating universities provide facilities for candidates to pursue academic research and study, free of tuition and related costs.

31. The Advisory Panel has in recent years recommended the most suitable candidate as well as two additional candidates. This is to cover the eventuality that the chosen fellow might be unable to accept the award or that additional funding might be found to grant more than one fellowship in the year concerned. The latter eventuality only materialized in 1994.

32. The Advisory Panel, under the Chairmanship of Professor John Norton Moore, noted that, as in the previous years, the candidates for the 1994 award were all of a very high calibre and recommended that efforts be made to acquire additional funding for fellowships from philanthropic and other institutions and to encourage universities to award fellowships to all finalists in the programme. Along those lines, on the basis of the Panel's endorsement, selected candidates would be designated as "finalists" in consideration for the award and they should be encouraged to use this information in applying directly to universities for fellowship consideration. The Panel also urged the Under-Secretary-General for Legal Affairs, the Legal Counsel, to explore the possibility of increasing the endowment so that the interest earned therefrom would enable them to award more than one fellowship per year.

33. The Advisory Panel will meet later in 1995 to recommend a candidate or candidates for the tenth award. Thereafter the award will be announced by the Under-Secretary-General for Legal Affairs, the Legal Counsel.

(c) Activities concerning international trade law

34. The activities of the United Nations Commission on International Trade Law (UNCITRAL) and its secretariat (International Trade Law Branch of the United Nations Office of Legal Affairs) are designed primarily to acquaint lawyers, government officials and scholars, particularly from developing countries, with the work of UNCITRAL and with the legal texts that have emanated from its work. In doing so, the Secretariat has kept in mind the decision of the Commission at its fourteenth session, in 1981, that a major purpose of the training and assistance activities should be the promotion of texts that have been prepared by the Commission. 15/

35. Since the statement of the Commission at its twentieth session (1987) that "training and assistance was an important activity of the Commission and should be given a higher priority than it had in the past", 16/ the Secretariat has endeavoured to devise a more extensive programme of training and assistance than had been previously carried out.

36. In its resolutions 48/32 of 9 December 1993 and 49/55 of 9 December 1994 on the report of UNCITRAL on the work of its twenty-sixth and twenty-seventh sessions respectively, the General Assembly reaffirmed the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia to provide such training and assistance. The Assembly also expressed its appreciation to the Commission for organizing seminars on international trade law in a number of developing countries. It furthermore appealed to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the trust fund for symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia.

37. Set forth below are the main activities undertaken by UNCITRAL and its secretariat in the area of training and assistance during the reporting period.

National seminars on international trade law

38. In view of the relative cost-effectiveness of the national seminars compared to regional seminars, the secretariat recently emphasized the holding of a series of national seminars. In addition, the secretariat has continued to provide technical consultations and assistance to States in the preparation of national legislation based on UNCITRAL's model laws, in particular the UNCITRAL Model Law on International Commercial Arbitration and the UNCITRAL Model Law on Procurement of Goods, Construction and Services. Since the last report of the Secretary-General (A/48/580) the following national seminars were held by UNCITRAL:

- Ulan-Batar, Mongolia (23-24 September 1993), held in cooperation with the Government of Mongolia, and attended by approximately 30 participants;

- Karachi, Pakistan (29-30 September 1993), held in cooperation with the Training Institute of the Customs Authority and the Research Society for International Law, and attended by approximately 35 participants;

- Bishkek, Kyrgyzstan (5-7 October 1993), held in cooperation with the Government of Kyrgyzstan, and attended by approximately 15 participants;

- Buenos Aires, Argentina (20-21 October 1993), held in cooperation with the Government of Argentina, and attended by approximately 130 participants;

- Rio de Janeiro, Brazil (25-26 October 1993), held in cooperation with Candido Mendes University and PETROBRAS, and attended by approximately 65 participants;

- Colombo, Sri Lanka (13-16 September 1993), held within the framework of the biennial conference of the Law Association for Asia and the Pacific (LAWASIA).

- Istanbul, Turkey (25-27 April 1994), held in cooperation with Marmara University and the Union of Turkish Chambers of Commerce, and attended by approximately 50 participants;

- Shanghai, China (27-28 June 1994), held in cooperation with the China International Economic and Trade Commission (CIETAC), and attended by approximately 90 participants;

- Harare, Zimbabwe (1-3 August 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 70 participants;

- Gaborone, Botswana (8-10 August 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 50 participants;

- Windhoek, Namibia (12-15 September 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 50 participants;

- Nairobi, Kenya (12-15 September 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 60 participants;

- Tbilisi, Georgia (7-9 November 1994), briefing mission held in cooperation with the Ministry of Foreign Affairs;

- Baku, Azerbaijan (11-15 November 1994), briefing mission held in cooperation with the Ministry of Foreign Affairs;

- Yerevan, Armenia (16-18 November 1994), briefing mission held in cooperation with the Ministry of Foreign Affairs;

- Panama City, Panama (17-18 November 1994), held in cooperation with the Chamber of Commerce, and attended by approximately 150 participants;

- Cali, Colombia (21-22 November 1994), held in cooperation with the Chamber of Commerce and the Inter-American Commission of Commercial Arbitration, and attended by approximately 150 participants;

- Tashkent, Uzbekistan (21-23 November 1994), briefing mission held in cooperation with the Ministry of Foreign Economic Relations;

- Prague, Czech Republic (4-5 April 1995), held in cooperation with the Ministry of Industry and Trade, and attended by approximately 70 participants.

Other seminars, conferences and professional meetings

39. Members of the UNCITRAL secretariat participated as speakers in the following seminars, conferences and courses where UNCITRAL legal texts were presented for examination and discussion:

- Twelfth Course of the International Association of Law Libraries (Barcelona, Spain, 17-21 August 1993);

- Pacific Economic Cooperation Council (PECC) Meeting on Harmonization of International Trade Law Instruments (Singapore, 9-10 September 1993);

- First International Conference on Commercial Arbitration in Croatia and Slovenia, sponsored by the Croatian Chamber of Commerce (Zagreb, 8-10 December 1993);

- Worldwide Electronic Commerce: Law Policy and Controls Conference sponsored by the American Bar Association (New York, 17-18 January 1994);

- Thirty-third session of the Asian-African Legal Consultative Committee (AALCC) (Tokyo, 17-21 January 1994);

- "L'échange de données informatisées, Entreprises-Banques" sponsored by Forum du droit et des affaires (Paris, 26-27 January 1994);

- Third Lawyers' Conference (SAARCLAW) of the South Asian Association for Regional Cooperation (SAARC) (New Delhi, 26-27 January 1994);

- "Reforming and Modernizing Procurement Rules", sponsored by the Cairo Regional Centre for International Commercial Arbitration and the International Law Institute of Washington, D.C. (Cairo, 29-31 January 1994);

- International Arbitration Conference, sponsored by EKIURIS Ltd. (Company for Economic and Legal Studies) (Moscow, 31 January-2 February 1994);

- 1994 Annual Survey of Letter of Credit Law and Practice, sponsored by the Institute of International Banking Law and Practice, Letter of Credit UPDATE, and the United States Council on International Banking (New York, 24-25 February 1994);

- Slovak National Seminar in Support of Public Procurement, sponsored by SIGMA, a programme of the Organisation for Economic Cooperation and Development (OECD) and the Slovak Ministry of Transport, Communications and Public Works (Bratislava, 2-3 February 1994);

- United Nations Economic Commission for Europe Working Party on Facilitation of International Trade Procedures (Geneva, 14-18 March 1994);

- Colloquium on Cross-Border Insolvency, co-sponsored by the secretariat of UNCITRAL and the International Association of Insolvency Practitioners (INSOL) (Vienna, 17-19 April 1994);

- Briefings in Support of Public Procurement Legislation, sponsored by the Public Procurement Unit of the Office of the Council of Ministers (Warsaw, 26-27 April 1994);

- Arbitrators Symposium of the London Court of International Arbitration (Budapest, 29 April-1 May 1994);

- Annual Session of the Governing Council of the International Institute for Unification of Private Law (UNIDROIT) (Rome, 8-14 May 1994 and 29 March-1 April 1995);

- Arbitration Conference sponsored by the International Council for Commercial Arbitration (ICCA) and the China International Economic and Trade Arbitration Commission (CIETAC) (Beijing, 22-23 June 1994);

- United Nations/UNITAR Fellowship Programme in International Law (The Hague, 8-12 August 1994);

- Conference on the "Egyptian New Law of Commercial Arbitration: Different Experiences of Adopting the Model Law", sponsored by the Cairo Regional Centre for International Commercial Arbitration (Cairo, 12-13 September 1994);

- Conference on the "New Trends in Maritime Arbitration in the Afro-Asian Region", sponsored by the Cairo Regional Centre for International Commercial Arbitration (Alexandria, Egypt, 14-15 September 1994);

- Forum on Ukrainian Law and Public Procurement, sponsored by the International Trade Centre (ITC) (Kiev, 18-22 September 1994);

- United Nations Economic Commission for Europe Working Party on Facilitation of International Trade Procedures (Geneva, 19-23 September 1994);

- Thirteenth Course - International Commercial Arbitration and Law Libraries, sponsored by the International Association of Law Libraries and Martinus Nijhoff Publishers (The Hague, 26-29 September 1994);

- Arbitration Symposium of the London Court of International Arbitration, Asia/Pacific Users Council (Sydney, Australia, 5-7 October 1994);

- International Bar Association Twenty-fifth Biennial Conference (Sydney, Australia, 8-15 October 1994);

- Regional Trade Law Seminar of the Attorney-General's Department of Australia (Melbourne, 18-19 October 1994);

- International Entry Course on Arbitration, sponsored by the Chartered Institute of Arbitrators (Bahrain, 25-27 October 1994);

- International Entry Course on Arbitration, sponsored by the Chartered Institute of Arbitrators (Harare, 28-30 November 1994);

- World Intellectual Property Organization (WIPO) Arbitration Conference (Geneva, 19-20 January 1995);

- United Nations Economic Commission for Europe Working Party on Facilitation of International Trade Procedures (Geneva, 20-24 March 1995);

- Regional Conference of the Americas, sponsored by the International Association of Insolvency Practitioners (INSOL) (Toronto, Canada, 22-24 March 1995);

- Willem C. Vis International Commercial Arbitration Moot, organized by the Institute of International Commercial Law of Pace University School of Law, New York (Vienna, 22-26 March 1995);

- Dynamic Asia Conference, sponsored by the International Chamber of Commerce (ICC) (New Delhi, 27-28 March 1995);

- International Seminar on Globalization and Harmonization of Commercial/Arbitration Laws (New Delhi, 31 March-1 April 1995);

- International Trade Law Postgraduate Course sponsored by the International Training Centre of the International Labour Organization (ILO) and the University Institute of European Studies (Turin, Italy, 11-12 April 1995);

- Thirty-fourth session of the Asian-African Legal Consultative Committee (AALCC) (Doha, 17-22 April 1995).

40. The internship programme was continued. During the past two years the secretariat received nine interns.

Sixth UNCITRAL Symposium on International Trade Law (Vienna, 22-26 May 1995)

41. The secretariat organized the Sixth UNCITRAL Symposium on International Trade Law on the occasion of the twenty-eighth session of the Commission. The symposium was designed to acquaint young lawyers with UNCITRAL as an institution and with the legal texts that have emanated from its work. As was the case at previous symposia, lecturers were invited primarily from delegations to the Commission session and from the secretariat. The travel and subsistence costs of 23 participants from Africa, Asia, Eastern Europe and Latin America were paid from the UNCITRAL Trust Fund for Symposia. In addition, 65 individuals attended without such financial assistance. In order to save on the costs of interpretation and to be able to increase the communication between participants themselves, the symposium was held in English and French only.

Consideration by UNCITRAL of the subject of the teaching, study, dissemination and wider appreciation of international trade law

42. UNCITRAL considered this subject at its twenty-seventh and twenty-eighth sessions. In the reports on the work of those sessions, 17/ the Commission noted the training and assistance activities undertaken during the reported years as well as possible future activities in this area.

43. The Commission noted that growing awareness of the UNCITRAL legal texts in many countries, in particular developing countries and newly independent States, had resulted in increased requests for training and technical assistance from individual Governments or regional organizations. It also noted that technical assistance was provided to States preparing legislation based on UNCITRAL model

laws in the areas of international commercial arbitration, procurement and international credit transfers. For the remainder of 1995, seminars and legal-assistance briefing missions were planned in Africa, Asia, Latin America and Eastern Europe. However, because of the across-the-board suspension of official travel on behalf of the Organization, those plans have been cancelled. In addition, as it had done in recent years, the secretariat agreed to co-sponsor the next three-month International Trade Law Postgraduate Course to be organized by the University Institute of European Studies and the International Training Centre of the International Labour Organization in Turin.

44. The Commission noted with approval that the secretariat had taken steps to obtain cooperation and coordination with other agencies, both within and outside the United Nations system, in the provision of training and technical assistance in the field of international trade law. It also noted reports that there apparently was an increase in attention being paid by States to law reform relating to international trade, as well as a degree of increasing attention by bilateral and multilateral development agencies, including other parts of the United Nations system, to the importance of the harmonization and modernization of commercial law.

45. The Commission expressed its appreciation and renewed its call for continued and increased cooperation and coordination among entities providing legal assistance with a view to ensuring that, when United Nations system entities, such as the United Nations Development Programme and the International Bank for Reconstruction and Development, or outside entities, are involved in providing legal technical assistance, the legal texts formulated by the Commission and recommended by the General Assembly to be considered are in fact so considered and used.

46. The Commission noted that the ability of the secretariat to implement training and technical assistance plans was contingent upon the receipt of sufficient funds in the form of contributions to the UNCITRAL Trust Fund for Symposia, as well as on the provision to the secretariat of the necessary human resources, which was not currently the case. In the current situation, the demand for training and technical assistance with respect to UNCITRAL legal texts and the need to promote the use of those texts remained to a significant extent unfulfilled. It was noted that no funds for the travel of participants and lecturers had been provided for in the regular budget. As a result, expenses had to be met by voluntary contributions to the UNCITRAL Trust Fund for Symposia, which remained at an insufficient level.

47. In order to facilitate contributions to the UNCITRAL Trust Fund for Symposia, the Commission decided to request that it be placed on the agenda of the pledging conference taking place within the framework of the General Assembly session, on the understanding that that would not have any effect on the obligation of a State to pay its assessed contribution to the Organization.

48. It was noted that contributions made to the UNCITRAL Trust Fund for Symposia on a multi-year basis were of particular value, because they permitted the secretariat to plan and finance the programme without the need to solicit funds from potential donors for each individual activity. Such a contribution has been received from Canada. In addition, contributions from Austria,

Denmark, France, Pakistan and Switzerland have been used for the seminar programme. The Commission expressed its appreciation to those States and organizations that had contributed to the Commission's programme of training and assistance by providing funds or staff or by hosting seminars. The Commission also renewed its call that it be provided with the human resources to meet the need for its training and technical assistance activities.

3. Cooperation with other organizations

49. Several international organizations and institutions 18/ have continued to participate as observers in various meetings of United Nations bodies dealing with the progressive development of international law and its codification. For instance, such international organizations and institutions participate as observers in the work of the Sixth Committee of the General Assembly, the International Law Commission, UNCITRAL and other committees created for the purpose of drafting international instruments. It is also to be noted that, on 27 October 1994, a joint meeting of the members of the Asian-African Legal Consultative Committee and the legal advisers of the permanent missions of Member States to the United Nations in New York was held in cooperation with the Secretariat to discuss a number of topics of mutual interest.

4. Publicity

(a) United Nations Treaty Series

50. The Treaty Section of the Office of Legal Affairs is actively pursuing its programme of computerization of its treaty database. Funding was approved for the 1994-1995 biennium by the General Assembly to convert the text of the Treaty Series to optical disk. It is proposed to provide on-line access to this collection to Member States and others. This task will be completed by the end of 1995, and once the optical disk system is in place material which is registered but not yet published will also be added onto it.

51. The publication Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 1994, was published for the first time simultaneously in English and in French in April 1995 and continues to be updated on a daily basis. It is contained in an electronic database and currently being tested for on-line access through Internet by Member States and other users. It is proposed to provide on-line access by November 1995. Hard-copy volumes of the above publications and the cumulative index to the Treaty Series (currently up to volume 18) are continuing to be published at an accelerated rate. The Treaty Series would be available on-line once the appropriate electronic medium is determined.

(b) United Nations Juridical Yearbook

52. Publication of the United Nations Juridical Yearbook has been resumed after an interruption owing to the financial crisis. The 1982, 1983, 1984, 1985, 1990 and 1986 editions appeared in 1989, 1990, 1991, 1992, 1993 and 1994 respectively; the 1987, 1991 and 1992 editions are in press. The calendar of

production of subsequent editions provides for the submission of the 1993 edition by the end of 1995 and the 1988, 1989 and 1994 editions in 1996. This calendar, under which work proceeds simultaneously at both ends, will make it possible to bridge the gap and eliminate the backlog by the end of 1996, while at the same time keeping readers of the Yearbook abreast of contemporary developments.

(c) United Nations Reports of International Arbitral Awards

53. The Codification Division of the Office of Legal Affairs has prepared volumes 20 and 21 of the United Nations Reports of International Arbitral Awards. Volume 20 of this publication, containing three arbitral awards, has recently been issued. The manuscript of volume 21, again containing three arbitral awards, is also in press.

(d) Other forms of publicity

54. The Codification Division has prepared the fifth edition of The Work of the International Law Commission, which is now in press. In accordance with the programme of activities for the third term (1995-1996) of the Decade, approved by the General Assembly in its resolution 49/50, the Division has undertaken the updating of the publication Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991). The Codification Division is furthermore in the process of compiling the proceedings of the United Nations Congress on Public International Law (1994) for publication. Mention should also be made in this context of the UN Chronicle, which frequently includes information on the current legal activities of the United Nations. 19/ The Division for Ocean Affairs and the Law of the Sea published a legislative history of the provisions of the United Nations Convention on the Law of the Sea having to do with marine scientific research (art. 246 of the Convention); 20/ a compilation of practice of States at the time of entry into force of the Convention; 21/ compilation of national legislation on the territorial sea, the right to innocent passage and the contiguous zone; 22/ the Law of the Sea Bulletin (updating information relating to the law of the sea and marine affairs including national legislation, bilateral and multilateral treaties, and the decisions of international courts and arbitral tribunals); The Annual Review of Ocean Affairs 1994 23/ and the annual selected bibliography on the law of the sea. 24/

5. Distribution of United Nations legal publications

55. Pursuant to paragraph 133 of the 1993 report of the Secretary-General on the Programme of Assistance (A/48/580) and paragraph 1 of General Assembly resolution 48/29 authorizing its implementation, copies of United Nations legal publications issued during 1994 and 1995 have been provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in a number of countries, in particular in the developing countries, for which requests for such publications have been made by the Member States concerned. 25/ The International Court of Justice continued to provide copies of its publications to institutions receiving assistance under the Programme. In this connection, the Court has reported

that, in the recent past, it has substantially increased the number of universities and institutions, particularly from developing countries, receiving its publications on a regular basis. 26/ Furthermore, the Court has included in its free distribution list United Nations information centres recently established in some developing countries. 27/

6. Fellowships offered at national institutions

56. In the past the United Nations Secretariat has publicized fellowship offers for the study of international law at national institutions. No offer was however received during 1994 and 1995.

7. International Law Fellowship Programme

57. In paragraph 2 (a) of its resolution 48/29, the General Assembly authorized the Secretary-General to award a number of fellowships in both 1994 and 1995, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded at the request of Governments of developing countries. On the basis of that resolution, 18 fellowships were awarded in 1994 and again in 1995.

58. Up to 1992, the operational costs of the Programme were shared between the Office of Legal Affairs and UNITAR. The fellowships themselves (travel expenses and per diem) were financed partly from the budgetary allocation for the Programme of Assistance and partly from a trust fund of voluntary contributions earmarked for the Programme, whereas the expenses related to organizational staff and lecturers were borne by UNITAR. In 1993, however, the General Assembly, in paragraph 5 of its resolution 47/227 of 8 April 1993, on the "United Nations Institute for Training and Research", decided "that the funding of training programmes held at the specific request of States Members of the United Nations and members of other United Nations system organs and specialized agencies should be arranged by the requesting parties". On the basis of that paragraph, all aspects of the International Law Fellowship Programme, including expenses related to organizational staff and lecturers, had to be financed by the Office of Legal Affairs.

59. As a result, most of the budgetary allocation for the Programme of Assistance went to cover the costs of the Fellowship Programme. Furthermore, since no voluntary contributions were received towards the financing of UNITAR regional refresher courses and no State offered to host and finance them, no such courses could be organized by UNITAR during 1994 and 1995.

60. The objectives of the International Law Fellowship Programme are to enable qualified persons from developing countries, in particular mid-level government legal officers and young teachers of international law, (a) to deepen their knowledge of international law, particularly of those questions of special interest to developing countries; (b) to have an opportunity for frank and informal exchanges of views on legal problems of common interest or of special concern to their respective countries; and (c) depending on the financial resources available to the fellowship programme in any given year, to acquire

practical experience of the legal work of the United Nations and its associated agencies.

61. The criteria applied in the selection of candidates are the following: qualifications of individual applicants; needs of their respective countries; potential applicability in their normal fields of work of the benefits obtained from the fellowship; preference to candidates from countries whose nationals have not been awarded a fellowship in immediately preceding years; preference to the poorest among developing countries and to those which have recently gained independence; and equitable representation of males and females.

62. It has been the policy to accept applications for the International Fellowship Programme from developing countries where there is a UNDP field representation. UNDP now has also established offices in the countries of Eastern and Central Europe as well as in the newly independent States of Central Asia whose economies are in transition. It is intended to extend the benefit of the Programme to those countries as well.

63. For the 1994 and 1995 fellowship programmes, 87 and 158 applications respectively had been received by the closing dates.

64. The fellows selected in 1994 were from Burundi, China, Congo, Cuba, Ghana, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Mauritius, Mongolia, Nigeria, Pakistan, Suriname, Thailand, Trinidad and Tobago, Venezuela and Zaire. An observer from Australia also participated in the course. The fellows selected in 1995 were from Argentina, Bhutan, Brazil, Burkina Faso, Chile, Comoros, Egypt, Malawi, Maldives, Mali, Myanmar, Niger, the Palestinian National Authority, Paraguay, Republic of Korea, Saint Kitts and Nevis, Tunisia and Turkey. Four observers from Japan, Nicaragua and the Palestinian National Authority also participated in the course.

65. As in previous years, the Fellowship Programme offered the following three schemes:

(a) Attendance for six weeks at the lectures at the Hague Academy of International Law and the UNITAR special seminars as in scheme (c) below, followed by a three-month practical training period in the Office of Legal Affairs of the United Nations Secretariat or in the legal departments of the various United Nations bodies or specialized agencies;

(b) Attendance for six weeks at the lectures at the Hague Academy of International Law and the UNITAR special seminars as in scheme (c) below, and participation in the Geneva International Law Seminar, organized by the Office of Legal Affairs in conjunction with the annual session of the International Law Commission;

(c) Attendance for six weeks at the annual lectures in private and public international law at the Hague Academy of International Law and participation in the special lectures and seminars organized by UNITAR held concurrently with the Academy's lectures.

66. The participants in the 1994 and 1995 programmes have been awarded fellowships under scheme (c) above.

67. The study programme at The Hague comprised, in addition to the series of lectures on private and public international law given at the Academy, an intensive programme of seminars and exercises specially organized by UNITAR for the benefit of the fellows.

68. In 1994, the Hague Academy courses included the following topics:

(a) Under private international law:

(i) General course;

(ii) Non-unified legal systems in present private international law;

(iii) Public policy in arbitral awards;

(iv) Impact of international conventions on private international family law;

(v) Maintenance obligations in the conflict of laws;

(vi) Contributing to progressive development of private international law: the United States approach;

(vii) Recent developments in bilateral treaties on investment protection;

(viii) Leasing and similar institutions under private international law;

(b) Under public international law:

(i) General course;

(ii) Liability for acts not prohibited by international law and protection of the environment;

(iii) State sovereignty and the international protection of minorities;

(iv) Reactions by not directly affected States to breaches of public international law;

(v) Evolution of the sources of international investment law;

(vi) Exercise of enforcement jurisdiction at sea;

(vii) The legal position in international law of heads of State, prime ministers and foreign ministers.

69. In 1995, the Hague Academy courses included the following topics:

(a) Private international law:

(i) Cultural identity and integration: postmodern private international law;

(ii) The principle of nationality in contemporary private international law;

(iii) Role of substantive policies in the formation and application of choice of laws;

(iv) Conflicts of jurisdiction and conflicts of laws in an integrated economic area: the experience of the European Community;

(v) Extinctive prescription in private international law;

(vi) Perspectives from international economic law on transnational environmental issues;

(vii) The reasonable expectations of the parties to the choice of law in contract and in tort;

(viii) The institution of the trust in civil and common law;

(b) Public international law:

(i) International law at the fiftieth anniversary of the United Nations;

(ii) Resource conservation and management in the Antarctic;

(iii) The nuclear non-proliferation regime: assessment and prospects;

(iv) Emergence of the rule of law as a principle of international law;

(v) Bilateralism and community interest in international law;

(vi) Recent aspects of State succession;

(vii) Intervention in the proceedings of the International Court of Justice.

70. In 1994, the special seminars organized by UNITAR 28/ covered the following topics:

(a) International financial law: legal aspects of debt management;

(b) International economic law;

(c) International humanitarian law;

(d) The law of treaties;

(e) United Nations peace-keeping and conflict resolution;

(f) Codification of international law: general process; international criminal jurisdiction; reservation to treaties;

(g) International environmental law;

(h) Law of the sea;

(i) International refugee law;

(j) Arbitration in international law;

(k) Human rights law.

71. In 1995, some reforms were introduced in the seminars organized by UNITAR to enhance the substantive and academic quality of the programme. The special seminars organized for 1995 29/ covered the following topics:

(a) The World Trade Organization (WTO) and the multilateral trading system;

(b) United Nations peace-keeping and conflict resolution;

(c) International environmental law;

(d) International humanitarian law;

(e) Human rights law;

(f) Refugee law;

(g) Law of the sea;

(h) Practice and procedures of multilateral negotiations.

72. In 1994, UNITAR also arranged introductory seminars on the work of the International Court of Justice, as well as study visits to the Permanent Court of Arbitration and the Houses of Parliament of the Netherlands.

73. In 1995, UNITAR arranged the following briefings and study visits:

- International Court of Justice (briefing and study visit);
- Permanent Court of Arbitration (briefing);
- Iran-United States Claims Tribunal (briefing and study visit);
- International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (attendance of a hearing);

- Preparatory Commission for the Organization for the Prohibition of Chemical Weapons (briefing and study visit).

74. In 1995, in addition to these core elements of the programme, participants also had the opportunity to attend a series of panel sessions given on the occasion of the Conference on Contemporary International Law Issues. The Conference was jointly organized by the American Society of International Law and the Dutch Association of International Law and was held in Scheveningen, near The Hague. The organizers of the Conference allowed the participants to attend free of charge.

B. Activities of the United Nations Institute for Training and Research

75. In addition to participating in the implementation of the International Law Fellowship Programme, as referred to in section A (7) above, UNITAR has carried out a number of other activities related to the teaching, study, dissemination and wider appreciation of international law.

United Nations Environment Programme/UNITAR training in environmental law and policy, in association with the United Nations Centre for Human Settlements (Habitat) (Nairobi, 1994-1995)

76. The objective of this programme is to provide the participants with information and training on the legal and institutional developments at the international and national levels in the field of environmental law. Its aim is to inspire a greater interest in and commitment to the use of environmental law as an instrument for translating sustainable development policies into action. The programme enables participants to take initiatives, on a more informed basis, in their respective home countries for the development and implementation of environmental law at the international and national levels.

77. This three-week training programme is specifically designed to respond to the needs of developing countries. The methodologies applied require active involvement of the participants with a view to promoting the achievement of tangible results. It covers an introduction to environmental law, a detailed examination of major global and regional environmental conventions (including those on climate change, biological diversity, the ozone layer and movement of hazardous wastes), an analytical survey of national legislative and institutional regimes adopted by various countries for environmental management and an overview of new developments in environmental law and institutions in respect of subjects such as environment and trade, liability and restitution, transfer of technology, environmental problems of human settlements and land use.

78. The training programme is conducted by experts from the United Nations Environment Programme (UNEP) and other United Nations bodies and agencies, representatives of environmental convention secretariats, the World Bank, the International Union for Conservation of Nature and Natural Resources and by several other experts in the field of environmental law and policy.

79. The first seminar on the subject was held in December 1993 and the second in April 1995.

Training on legal aspects of debt and financial management (many States in Africa and Asia, 1994-1995)

80. UNITAR's training programme in debt and financial management seeks to provide training in legal aspects of debt and financial management. A range of subregional seminars and targeted in-depth follow-up workshops (along with institutional-building measures) will be implemented in the participants' countries to sensitize senior officers, middle-level managers, law professors and lawyers in legal aspects of debt management and/or give them training in this area. The training programme will also establish facilities in selected countries to provide training on a continuing basis, both nationally and subregionally.

81. The objective of these seminars is to focus on the legal elements in the overall process of international loan negotiations and to deal in particular with those clauses in a loan agreement which are most relevant to the borrower and on which improvements can be sought in its favour.

82. Present activities in the field of debt management encompass a number of diversified training components of several technical assistance programmes. There is, however, a clear need for broader and more coherent programmes focusing exclusively on specific aspects of debt management. This was clearly pointed out in the debt management consultation meeting convened by UNDP in New York.

83. In 1994-1995 UNITAR held a number of such courses in countries of Sub-Saharan Africa and North and South Asia and the newly independent States of Central Asia. Participants in UNITAR-sponsored workshops on a number of occasions also drafted sets of recommendations for sound legal practice in debt management, inviting those to whom they were addressed to involve lawyers to a larger degree. An appeal was addressed to lawyers to join efforts in persuading those concerned that their respective countries' interests would be better served by systematic involvement of lawyers in debt management. There was nothing revolutionary in what had been proposed repeatedly, merely the suggestion that borrowers in the developing countries should do what lenders have always done: involve lawyers at every step, bring them out of their offices to the front line and involve them in the negotiation process.

84. Further in-depth workshops in other subregions are also being considered as there are a number of projects in the pipeline awaiting donor approval. UNITAR has expanded training activities to the newly independent States of Central Asia, thanks to the financial support of the Swiss Federal Office for Foreign Economic Affairs and the Irish Government.

UNITAR-International Peace Academy fellowship programme in peacemaking and preventive diplomacy (Schlaining, Austria, 1994-1995)

85. The fellowship programme offers advanced training in conflict analysis, negotiation and mediation to international and national civil servants who wish

to learn or refine these skills. It is based on the latest knowledge in the field and is taught by distinguished and expert faculty from both academic and applied settings, including current and former staff of the United Nations Secretariat.

86. The programme is available to middle- and senior-level Professional staff from the substantive departments and agencies of the United Nations, staff from regional organizations, diplomatic staff from foreign ministries and relevant personnel from non-governmental humanitarian organizations.

87. The fellowship programme is offered in two parts to allow participants to choose the type and duration of training that they require. The core programme is a two-week in-depth programme which includes: (a) a framework for understanding and analysing international disputes and their resolution; (b) an analysis of case-studies to allow participants to grapple with the complexities of applying conflict resolution methods to real-life international conflict situations; and (c) skills training so that participants can have the opportunity to practise the skills needed for effective peacemaking and preventive diplomacy.

88. An extended programme is offered to participants who wish to undertake more in-depth training. It involves an individual case-study in which participants select a recent or ongoing conflict situation and review and evaluate attempts to resolve it.

89. The specific objectives of the programme are:

(a) To offer participants an opportunity to review and update their knowledge and skills in dispute resolution;

(b) To encourage a systematic approach to disputes and dispute resolution;

(c) To provide an in-depth understanding of the processes of conflict escalation and de-escalation;

(d) To increase appreciation of the need to understand disputes within their unique cultural, historical and political context;

(e) To allow participants to sharpen their skills in political and conflict analysis;

(f) To enable participants to be maximally effective in structuring negotiation and mediation;

(g) To enhance participants' ability to identify the parties' motivations and interests and to invent innovative solutions based on interests.

90. A longer-term - but also important - goal is to develop an institutional capacity for debriefing and retrieval of United Nations practices and experience in peacemaking and preventive diplomacy in order to strengthen the potential of the United Nations for institutional learning and memory. Case material presented by staff and assembled by fellows will serve as the basis for further

research and study to develop a collection of case histories which document important lessons and issues. The goal will be to develop a repository of knowledge for use within the fellowship programme and, more widely, within the United Nations and the international community as a whole. Development of materials, such as a case handbook on peacemaking and preventive diplomacy, is planned.

Workshop on procedures for the settlement of trade disputes at the World Trade Organization (Geneva, 1994-1995)

91. A basic knowledge of international economic law, including the procedures for the settlement of economic disputes, is an important asset in multilateral negotiations. The objective of this workshop is to explain dispute settlement procedures, including conciliation and arbitration, which are used in WTO. The training event proceeds from an explanation of the institutional structure of WTO and its basic rules to a descriptive analysis of the processes used to resolve trade disputes within the framework of WTO. One session is devoted to a simulation exercise aimed at familiarizing participants with the work of a panel of experts. The workshop is organized in English and French for members of permanent missions accredited to the United Nations at Geneva and, on request, in developing countries.

Promotion of cooperation in environment: development negotiations (Rychory, Czech Republic, 1994)

92. Within this programme, one training module deals with negotiations and dispute resolution. It provides training on negotiation skills that promote mutual gain and consensus. The programme seeks to improve the way in which countries negotiate environmental issues with each other (bilaterally and multilaterally) and how individual countries resolve local environment/development disputes through the promotion of alternative dispute resolution processes and better negotiating skills.

Publications

93. The World Court: What it is and How it Works. UNITAR has just published the fifth, entirely revised edition of Professor Shabtai Rosenne's comprehensive study on the structure and functioning of the International Court of Justice. The book not only provides extensive background on the origins and composition of the Court but also deals with its day-to-day work in terms of jurisdiction and procedure, offering a complete overview of the cases dealt with. Particular emphasis is put on the manner in which a case is tried, taking into account the latest Rules of Court, covering "almost every conceivable issue likely to be encountered in modern litigation before the International Court".

94. UNITAR Case Study Workshop Package on Negotiation of a Multilateral Loan. This training package is addressed to trainers and can be used to develop three- to five-day workshops on the theory and practice of negotiation of the legal elements with multilateral financial institutions. The specific aim of the package is to introduce participants to loan negotiation with multilateral agencies. In addition, it familiarizes participants with the procedures and practices of these agencies, highlights the basic underlying legal arrangements

between their countries and such agencies, helps them distinguish between what is and what is not negotiable and guides them in how such negotiations are most effectively conducted.

95. The United Nations as a Dispute Settlement System: Improving Mechanisms for the Prevention and Resolution of Conflict. The coordination of the UNITAR/Peace Academy Fellowship Programme in Peacemaking and Preventive Diplomacy was given an 18-month grant by the Ford Foundation to carry out research on the topic of "The United Nations as a Dispute Settlement System: Improving Mechanisms for the Prevention and Resolution of Conflict". The project involved a review of the causes of contemporary disputes and dispute escalation, an analysis of the mechanisms available within the United Nations system for preventing and resolving disputes and proposals for making the system more effective. A number of specific suggestions also were made for strengthening pre-conflict peace-building and preventive diplomacy. The project was written as a book manuscript and publication is pending.

C. Activities of the United Nations Educational, Scientific and Cultural Organization

96. The contribution of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law is part of major programme area V (Social and human sciences: contribution to development, peace, human rights and democracy), and more particularly of subprogramme V.2.1 (Research for the promotion of peace, human rights and democracy) of UNESCO's 1994-1995 programme budget, which states that "reflection on the increasing role of human rights in international relations, as well as on new perspectives in the field of human rights, international law and humanitarian law (such as the 'right to be assisted'), will be promoted through a series of studies and an international workshop organized in cooperation with the United Nations as a contribution to the United Nations Decade of International Law".

97. With regard to standard-setting, the UNESCO Executive Board considered at its one hundred forty-fifth session in 1994 the question of the drafting of a declaration on the rights of future generations, which would be adopted by the General Conference at its twentieth session as a contribution to the commemoration of the fiftieth anniversary of the United Nations and of UNESCO.

Publications

98. UNESCO has published a compendium entitled Human Rights: Principal International Instruments (as of 31 May 1994), 30/ which lists the States parties to the human rights instruments. This list includes the instruments adopted by the United Nations, its specialized agencies and the other universal and regional bodies.

99. Mention should also be made of the Russian-language version of La Déclaration universelle des droits de l'homme - 45e anniversaire 1948-1993,

which was published in French on the fortieth anniversary of the Declaration in 1988. The English-language version is being prepared.

100. The World Directory of Teaching and Research Institutions in International Law 31/ is the outcome of the efforts which UNESCO has been making since 1986 to encourage the study of international law. It contains a total of 578 entries for 90 countries. It should also be noted that the Regional Bureau for Asia and the Pacific in Bangkok has been publishing since 1986 a booklet entitled International Law: News and Information from Asia and the Pacific, which gives information about international law research, teaching and international law issues in the region.

The UNESCO Chairs of human rights education

101. There are now a number of UNESCO Chairs of human rights education established on the basis of agreements concluded with the organization. For example:

(a) The Chair at the University of La Laguna, Tenerife, Spain, established in 1991, is concerned specifically with peace, development and democracy. The content of the research conducted under the auspices of the Chair is being expanded to include human rights;

(b) The Chair at Comenius University, Bratislava, Slovakia, is concerned with human rights education. Under paragraph 2 of the agreement signed with UNESCO in 1992, the objective of the Chair is to promote an integrated system of research, training, information and documentation activities in the area of human rights education. It will help to facilitate subregional and regional collaboration among high-level researchers and teachers of international standing and the University's staff of researchers and teachers and will make a significant contribution to ensuring that the work and activities of the UNESCO Centre for Human Rights Education are mentioned in teaching materials;

(c) The main objective of Venezuela's peripatetic Chair of human rights, established in 1992, is to establish a pilot project on human rights education involving five Venezuelan universities;

(d) The Chair at the Nicolas Copernicus University, Torun, Poland, was created in 1993. The agreement establishing it states that:

(i) The Chair shall be an instrument for facilitating subregional and regional collaboration between high-level, internationally recognized researchers and teachers and the research and teaching staff of the University and high-level, internationally recognized researchers and lecturers from other countries;

(ii) An important area of activity of the Chair shall be the progressive development of a nationwide system of permanent education for democracy and peace through human rights, including the elaboration of special educational programmes for members of such services as the army, the police, penitentiary personnel, the teaching profession, public administration, the judiciary, etc.

102. The 1994-1995 programme budget provides for the establishment of new UNESCO Chairs of human rights education and for the strengthening of the existing network.

103. A number of UNESCO Chairs were established in 1994: UNESCO Chair for Human Rights and Democracy at the Moscow State Institute of International Relations for Foreign Affairs of the Russian Federation and the Moscow Independent Institute of International Law, Russian Federation; UNESCO Chair for Civic Education, Sofia University, Bulgaria; UNESCO Chair for Education for Human Rights and Democracy at Addis Ababa University; UNESCO Chair for Democracy and Human Rights at the Faculty of Law, University of Namibia.

104. UNESCO has received proposals for the establishment of such Chairs from various universities in different countries around the world.

D. Other activities reported by States and international organizations concerning the teaching, study, dissemination and wider appreciation of international law pursuant to General Assembly resolution 49/50

105. The reports of the Secretary-General to the General Assembly at its forty-ninth and fiftieth sessions on the agenda item entitled "United Nations Decade of International Law" 32/ contained an analytical compilation of other activities reported by States and international organizations carried out in implementation of chapter IV of the programme of activities for the second and third terms (1993-1994 and 1995-1996) of the Decade under General Assembly resolutions 47/32 and 49/50, concerning the teaching, study, dissemination and wider appreciation of international law.

106. Those activities have been grouped under eight headings, which correspond by and large to the substance of the various paragraphs contained in chapter IV of the programme of activities for the second and third terms of the Decade. The headings are: promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International law; promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose; organization of and participation in international and regional seminars and symposia for experts on international law; training in international law for legal professionals and government officials organized by States and international organizations; publication of the practice of States and international and regional organizations in the field of international law; publication by States and international organizations of international legal instruments and legal studies; wider publication of the judgements and advisory opinions of international courts and tribunals and summaries thereof; and publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and the United Nations Juridical Yearbook.

107. Consequently, chapter II.D of the above-mentioned reports should be considered an integral part of the present report.

III. GUIDELINES AND RECOMMENDATIONS REGARDING EXECUTION OF THE PROGRAMME IN THE BIENNIUM 1996-1997 WITHIN THE FRAMEWORK OF THE UNITED NATIONS DECADE OF INTERNATIONAL LAW

A. General observations

108. One of the main purposes of the United Nations Decade of International Law, as defined in General Assembly resolution 44/23 and reaffirmed in subsequent resolutions, 33/ is the encouragement of the teaching, study, dissemination and wider appreciation of international law. In paragraph 17 of General Assembly resolution 48/29, the Assembly requested the Secretary-General to report to the Assembly at its fiftieth session on the implementation of the Programme during the period 1994-1995 and, following consultations with the Advisory Committee, to submit recommendations regarding the execution of the Programme in subsequent years.

109. The paragraphs below contain the guidelines and recommendations requested by the General Assembly in the above-mentioned resolution. In formulating such guidelines and recommendations, account has been taken of the fact that, while developing and systematizing the objectives of the United Nations Decade of International Law, the above-mentioned resolutions did not provide new budgetary resources for the teaching, study, dissemination and wider appreciation of international law, but relied, instead, on financing such activities from the existing overall level of appropriations and voluntary contributions from States.

110. Therefore, in substance, the paragraphs below recommend that the United Nations and other agencies continue the present activities under the programme and develop and expand them if new funds become available through the above-mentioned sources. New activities should only be undertaken if the overall level of appropriations or voluntary contributions from States make them possible. States should be encouraged to continue implementing the objectives relating to the teaching, study, dissemination and wider appreciation of international law which the programme for the Decade devolves upon them and should report to the Secretary-General any further development in this area.

B. Activities of the United Nations

111. Geneva International Law Seminar. It is expected that, if sufficient voluntary contributions from States continue to be made, new sessions of the Seminar will be held in 1996 and 1997 in conjunction with those of the International Law Commission. Scheduling of the sessions of the Seminar should be done in such a way as to make it possible to provide the Seminar, from within existing resources, with adequate services, including interpretation as required. In connection with the organization of the Seminar, attention is also drawn to paragraph 13 above.

Activities of the Office of Legal Affairs

112. Public international law and other activities. During the biennium 1996-1997, the Office of Legal Affairs and its Codification Division are expected to

continue performing the various functions connected with the goals of the Programme, as described in the present report, namely, participation in the International Law Fellowship Programme; the training of interns; lecturing on international law topics; secretariat functions to the Advisory Committee and to the Sixth Committee on the item concerning the United Nations Programme of Assistance; and dissemination of information regarding the codification and progressive development of international law and the United Nations Decade of International Law. With regard to the training of interns, the Advisory Committee recommends that the internship programme be given adequate publicity. It further recommends that geographical distribution be duly borne in mind in selecting interns and that, at the same time, existing possibilities be fully taken advantage of, irrespective of nationality.

113. Activities concerning the law of the sea and ocean affairs; the Hamilton Shirley Amerasinghe Memorial Fellowship. It is expected that, nine fellowships having already been awarded during the past nine years, the Office of Legal Affairs will continue to award at least one fellowship annually, in accordance with the rules and guidelines referred to in paragraphs 23 to 26 above. In this connection, however, attention is drawn to paragraphs 30 to 32 above.

114. Activities concerning international trade law. The steps to promote training and assistance in international trade law are of particular concern to developing countries. The Secretary-General, through the International Trade Law Branch of the Office of Legal Affairs, will take the requisite action during the biennium 1996-1997 in order to implement the recommendations addressed to him in this regard by UNCITRAL and the General Assembly.

115. Publicity. It is expected that the United Nations Secretariat will continue its efforts to reduce the backlog of the United Nations Treaty Series and of the United Nations Juridical Yearbook in accordance with the plan of action referred to in paragraphs 50 to 51 above. Efforts should also be continued by the United Nations Secretariat to ensure the regular inclusion in the UN Chronicle of matters of legal interest.

116. Provision of United Nations legal publications. Copies of United Nations legal publications issued during 1996-1997 will be provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in the developing countries for which requests for such publications are made by the Member States concerned. Each new request shall be reviewed on its own merits and the availability of the legal publication in question shall also be taken into account.

117. Fellowships and scholarships offered at national institutions. Information received from Governments regarding the fellowships and scholarships offered at national institutions will, at the request of those Governments, be circulated to all Member States.

118. International Law Fellowship Programme. For the reasons spelt out in paragraphs 57 to 59 above, the implementation of the International Law Fellowship Programme should be carefully evaluated in order to allow for the most appropriate and cost-effective decisions. A number of fellowships, to be determined in the light of the above-mentioned review, should be awarded each

year under the United Nations regular budget. Additional fellowships may also be awarded from the Trust Fund of the Programme of Assistance, depending on the amount of the voluntary contributions received each year and taking into account the needed protection against irregularities in the flow of voluntary contributions.

119. The programme should also be open to a limited number of observers whose Governments are willing to cover the expenses of their observers.

120. Extreme caution should be used in the allocation of sums from the Trust Fund to finance administration and other expenses of the Fellowship Programme. As in previous years, it is to be stressed that guidelines contained in General Assembly resolutions should be followed, in particular the desirability of using, as far as possible, the resources and facilities made available by Member States, international organizations and others; as well as the need, in appointing lecturers for the seminars of the Fellowship Programme, to secure representation of the major legal systems and balance among various geographical regions.

121. As in previous years, maximum use should be made, in the implementation of the Fellowship Programme, of existing human and material resources of the Organization so as to achieve the best possible results within a policy of maximum financial restraint. To the extent possible, teaching experts from the special seminars should be recruited from among the staff of the Organization, thus reducing to a minimum consultants' fees and travel expenses and making full use of the expertise of Organization staff in international law and related areas.

122. Upon the invitation of the Office of Legal Affairs, UNITAR should continue to participate in those aspects of the Fellowship Programme more in keeping with its organizational capabilities and in accordance with the guidelines set out above.

123. Other possible activities; audiovisual library. New activities should be undertaken only if the overall level of appropriations of the United Nations budget or voluntary contributions from States make them possible. In this connection, the Secretary-General proposes to create an audio-visual library on teaching international law. One of the basic and effective ways of disseminating and engendering a wider appreciation of international law is through teaching. Efforts should be made to assist States and, in particular, developing States and their universities and institutions of higher studies in incorporating international law courses into their curricula. One cost-effective way of assisting is through the preparation and distribution of audiovisual tapes. The Secretary-General proposes to create an audiovisual library of tapes on teaching various subjects of international law. Those subjects could include, for example, general courses on international law; United Nations law; law of the sea; arbitration; dispute settlement procedures; international humanitarian law; refugees law; environmental law; outer space law, etc. Each audiovisual course could be prepared by inviting well-known professors to lecture on camera, or, in cooperation with their respective universities, they could be videotaped as they teach their usual courses. Every effort would be made to have these courses in as many official languages of the

United Nations as possible. The tapes would then be held in an audiovisual library and States and their universities would be able to borrow them or receive a copy of them to use for their own teaching purposes. The library could be expanded to cover other subjects of international law in response to requests.

C. Activities of the United Nations Institute for Training and Research

124. Paragraphs 75 to 95 above contain an account of activities performed by UNITAR which are related to the teaching, study, dissemination and wider appreciation of international law. It is expected that, subject to appropriate funding, such activities may be continued during the period 1996-1997.

D. Activities of the United Nations Educational, Scientific and Cultural Organization

125. Within the framework set by its budgetary allocations, the UNESCO contribution to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law will continue to develop during the biennium 1996-1997 by means of activities tending to strengthen further the specific role of UNESCO concerning the development of both the research and the teaching of international law.

E. Other activities by States and international organizations concerning the teaching, study, dissemination and wider appreciation of international law, pursuant to General Assembly resolution 49/50

126. States and international organizations should be encouraged to continue to execute and expand the activities contemplated under chapter IV of the programme for the third term of the United Nations Decade of International Law under General Assembly resolution 49/50 and to report to the Secretary-General any further developments achieved by them in those areas.

IV. ADMINISTRATIVE AND FINANCIAL IMPLICATIONS OF UNITED NATIONS PARTICIPATION IN THE PROGRAMME

A. Biennium 1994-1995

127. Among the activities carried out under the Programme during 1994-1995, the following items were related to allocations of the regular budget: the supply of United Nations legal publications to institutions in developing countries; and the provision of a number of international law fellowships, determined in the light of the overall resources for the Programme (General Assembly resolution 48/29, para. 2 (a)).

128. The cost of the handling and shipping of United Nations legal publications to institutions in developing countries has been covered under the relevant sections of the programme budget for the biennium 1994-1995 relating to Conference and Library Services, Distribution Service, and to Administration and Management, Office of General Services, Communications and Mail Operations.

129. The actual cost of producing the publication falls under the respective allocations for the substantive programmes to which each publication belongs.

130. As for the cost of provision by the United Nations of a number of fellowships determined in the light of the overall resources for the programme, a total of $334,500 was appropriated from regular budget sources under section 7 (Legal activities, progressive development and codification of international law) of the programme budget for the biennium 1994-1995. Furthermore, and in accordance with paragraph 15 of General Assembly resolution 48/29, whereby the Assembly requested Member States, interested organizations and individuals to make voluntary contributions towards the financing of the Programme, the Secretary-General addressed a note on 7 March 1994 to Member States drawing their attention to paragraphs 2 (a) and 13 to 16 of resolution 48/29, paragraph 9 of resolution 47/32 and paragraphs 15 and 16 of resolution 46/50.

131. In that connection, in 1994 a contribution of $3,000 was received from Greece for the International Law Fellowship Programme. In 1995, the following countries made contributions to the Programme: Cyprus, $1,130; and Greece, $3,000.

132. For the International Law Seminar, the following countries made contributions in 1994: Austria, $3,000; Denmark, $10,638; Finland, $4,521.18; France, $6,794.56, and again $7,352.94; Germany, $11,713.29; Iceland, $750; Norway, $5,000; Slovenia, $750; Switzerland, $6,993.01; and United Kingdom $5,150. In 1995, the following countries made contributions: Austria, $2,925; Denmark, $11,799.31; Finland, $5,344.85; France, $8,316.01; Germany, $13,391.00; Ireland, $3,873.11; Norway, $5,000; Switzerland, $4,032.26; and United Kingdom, $8,165.32.

133. For the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea, a contribution of $1,000 was received in 1994 from Sri Lanka. In 1995, the United Kingdom made a contribution of $23,574 for a special award.

134. For the UNCITRAL symposia, the following countries made contributions in 1994: Canada, $6,076; Pakistan, $500; Switzerland, $36,814. 34/ In 1995, the following countries made contributions: Austria, $3,000; Denmark, $7,082; France, $54,328; and Switzerland, $43,830.

135. No contributions were received during 1994-1995 for UNITAR regional courses.

B. Biennium 1996-1997

136. Assuming that the recommendations in paragraph 116 above regarding the provision of legal publications are adopted, the cost of handling and shipping

the United Nations legal publications issued in 1996 and 1997 would be covered, as in previous years, by the estimates under the sections of the proposed programme budget for the biennium 1996-1997 relating to Conference and Library Services, Distribution Service, and to Administration and Management, Office of General Services, Communications and Mail Operations.

137. With regard to the provision of fellowships within the International Law Fellowship Programme during the biennium and possibly of travel grants for participants in UNITAR regional courses during 1996 or 1997, an amount of $358,200 is included in the proposed programme budget for the biennium 1996-1997 under section 6 (Legal activities, Progressive development and codification of international law) of the proposed programme budget for that biennium, assuming that the General Assembly approves the guidelines and recommendations on those programmes.

138. The Secretary-General would repeat his efforts, if the General Assembly so decides, in requesting voluntary contributions to the Programme. It is proposed that, as in past years, the funds accruing from such contributions have, as a main goal, subject to considerations of a practical nature, the increase of the number of fellowship grants to candidates from developing countries in addition to the minimum that would be authorized by the General Assembly under the appropriations from the regular budget.

V. MEETINGS OF THE ADVISORY COMMITTEE ON THE UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

A. Membership of the Advisory Committee

139. In accordance with paragraph 18 of General Assembly resolution 46/50, the membership of the Advisory Committee for the period from 1 January 1992 to 31 December 1995 is as follows: Bangladesh, Colombia, Cuba, Cyprus, Ethiopia, France, Germany, Ghana, India, Iran (Islamic Republic of), Italy, Kenya, Malaysia, Mexico, Netherlands, Nigeria, Romania, Russian Federation, Sudan, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

B. Twenty-ninth session

140. In paragraph 17 of its resolution 48/29, the General Assembly requested the Secretary-General to report to the Assembly at its fiftieth session on the implementation of the Programme during 1994 and 1995.

141. As part of the preparation of the report requested under the above resolution, the Secretary-General prepared the present interim report covering the activities carried out during 1994 by the various bodies that participated in the execution of the Programme.

142. The Advisory Committee held its twenty-ninth session on 13 December 1994. The session was attended by the representatives of the following members of the Advisory Committee: Cuba, Cyprus, Ethiopia, Germany, Ghana, India, Iran (Islamic Republic of), Italy, Kenya, Malaysia, Mexico, Netherlands, Romania, Russian Federation, Sudan, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay. Representatives of UNESCO and the Division for Ocean Affairs and the Law of the Sea also attended. The session was chaired by Mr. George O. Lamptey (Ghana), who in the absence of the Chairman elected at the twenty-seventh session of the Advisory Committee, Mr. Morgan Adokwei Brown, also from Ghana, substituted for him in accordance with the decision reflected in paragraph 157 of the relevant report of the Secretary-General to the forty-eighth session of the General Assembly (A/48/580).

143. In the absence of the Legal Counsel of the United Nations, Ms. Jacqueline Dauchy, Director of the Codification Division of the Office of Legal Affairs, represented the Secretary-General at the session. Ms. Mahnoush H. Arsanjani, Senior Legal Officer, Codification Division of the Office of Legal Affairs, acted as Secretary of the Advisory Committee.

144. The Advisory Committee considered the Secretary-General's interim report.

145. As regards the International Fellowship Programme, several representatives stressed the importance of the Programme for the training of junior professors and diplomats from developing States. In that regard concern was expressed about the financial constraints on the Programme. Some representatives expressed the hope that the budget of the Programme could be increased for the next biennium.

146. The Committee endorsed UNITAR's proposal of allowing participation of observers in the International Fellowship Programme, on the understanding that the resources available for candidates from developing States would remain unaffected. As regards the number of observers, the Director of the Codification Division explained that UNITAR proposed, at this juncture, a maximum of five observers.

147. With respect to the Geneva International Law Seminar, the question was asked whether a postgraduate degree was required for participation in the Seminar. The Secretary of the Committee explained that applications for the programme were received from postgraduate students of international law, young law professors and government officials dealing with questions of international law in the course of their work. A postgraduate degree was a requirement for the first two groups of candidates but not for the third.

148. It was also asked why the report of the Secretary-General did not cover activities on teaching and training in the area of international law undertaken by or under the aegis of other United Nations bodies, such as the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. The Secretary of the Committee explained that the report of the Secretary-General was traditionally confined to the activities which were considered by the sponsoring bodies, organs or agencies of the United Nations as falling within the framework of the Programme of Assistance.

149. As regards the seminars sponsored by UNITAR, some representatives expressed special appreciation for the programme on training on legal aspects of debt and financial management and the UNITAR-International Peace Academy fellowship programme on peace-keeping and preventive diplomacy.

C. Thirtieth session

150. The Advisory Committee held its thirtieth session on 26 October 1995. The session was attended by the representatives of the following members: Bangladesh, Colombia, Cyprus, Ethiopia, France, Germany, Ghana, Iran (Islamic Republic of), Italy, Kenya, Malaysia, Mexico, Netherlands, Nigeria, Romania, Russian Federation, Sudan, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America. Representatives of UNESCO and the Division for Ocean Affairs and the Law of the Sea also attended. The session was chaired by Mr. Eric Odoi-Anim, Counsellor of the Permanent Mission of Ghana to the United Nations.

151. In the absence of the Legal Counsel of the United Nations, Ms. Jacqueline Dauchy, Director of the Codification Division of the Office of Legal Affairs, represented the Secretary-General at the session. Ms. Mahnoush H. Arsanjani, Senior Legal Officer, Codification Division of the Office of Legal Affairs, acted as Secretary of the Advisory Committee.

152. The Advisory Committee considered the Secretary-General's draft report.

153. In response to the remark that there was a certain imbalance between the parts of the report devoted to International Law Seminars and those covering seminars on international trade law, the Secretary of the Advisory Committee explained that information on the numerous seminars held under the aegis of UNCITRAL was difficult to present in condensed form. She added that the relative brevity of the section devoted to International Law Seminars in no way detracted from the importance attached to the event under the Programme.

154. In reply to comments from the floor on paragraph 17 of the report, the Secretary said that every effort would be made to provide in the future more detailed information regarding the beneficiaries of the legal component of the internship programme organized by the Office of Human Resources Management.

155. The Director of the Codification Division confirmed that, while interns were selected on as wide a geographical basis as possible, only a relatively small number could be accepted every year because of space constraints. Existing capacities were used to the fullest and no qualified candidate was excluded on the mere ground of nationality.

156. It was suggested that the internship programme should be publicized as widely as possible so as to attract interest outside the host State and allow for a selection based on merit rather than on geographical representation.

157. In response to questions from a member of the Advisory Committee concerning paragraphs 22 to 33 of the report, the representative of the Division for Ocean Affairs and the Law of the Sea explained that, in enlisting the cooperation of

universities for the implementation of the internship programme under the Hamilton Shirley Amerasinghe Memorial Fellowship, due account had to be taken of the limited funds available for the award of fellowships. Offers from universities in developing countries which could accommodate fellows free of charge would however be most welcome. With specific reference to paragraph 29, he indicated that the beneficiary of the special award made possible by a grant from the United Kingdom had been selected through the same screening process as the beneficiaries of the other awards under the Hamilton Shirley Amerasinghe Memorial Fellowship.

158. In response to the suggestion that the report of the Secretary-General should cover other activities of the Division including those relating to the dissemination of information and publications on the law of the sea, the representative of the Division for Ocean Affairs and the Law of the Sea indicated that the possibility of covering such activities would be explored.

159. The remark was made that several sections of the report seemed to duplicate information contained in other reports considered by the Sixth Committee. One example was the section on activities concerning international trade law, which was also reported on in other documents such as the report of UNCITRAL and the report of the Secretary-General on the Decade of International Law. It was therefore suggested that in order to avoid duplication and repetitious debate and to keep financial implications to a minimum, the device of cross-references should be used wherever possible. When the subject-matter of reports overlapped, consideration should be given to where the information would most usefully be located. In this regard the remark was made that the purpose of the Advisory Committee was not to review past accomplishments but rather to provide guidance for the future and that the report should be drafted accordingly, so that prospective activities and fellowship availabilities could be publicized sufficiently early.

160. The Secretary indicated that the report was traditionally self-contained but that the possibility of resorting to cross-references would be duly explored. She added that the various units involved in the implementation of the Programme might find it difficult to plan activities ahead of the approval of the guidelines provided by the General Assembly on a biennial basis.

161. While recognizing the validity of the latter point, one representative pointed out that the Advisory Committee would be in a better position to provide concrete guidance to the Secretary-General if the various units concerned could give advance notice of their plans, particularly as regards the grant of fellowships.

162. In response to a question concerning the criteria applied by the United Nations in making legal publications available to researchers, particularly in developing countries, the Secretary drew attention to paragraph 55 of the report. She also indicated that United Nations legal publications were distributed to all permanent missions and to depository libraries. Furthermore, the Secretariat consistently accommodated requests for recent publications from individual scholars, including from developing countries.

163. It was suggested that an important function of the Committee was to help improve the flow of information between the United Nations and academic institutions concerned with international law. It was felt that paragraph 56 illustrated the existing insufficiency of communication. It was suggested that the Secretariat might list: (a) scholarships, programmes, facilities, etc., available to universities through the United Nations system, and (b) appeals and invitations by the Secretary-General for information, scholarships, contributions to projects, programmes, etc., from universities. This information could be attached to the report, or in a separate note or brochure, but should be presented in a consolidated form suitable for Governments to transmit directly to universities in their countries. The Secretary of the Committee indicated that the circular note sent annually to all permanent missions to the United Nations did request information on the availability of fellowships. A separate form intended for universities could be prepared and attached either to the said note or to the report of the Secretary-General.

164. In response to a query from a member of the Advisory Committee, the Secretary indicated that the geographical location of the activities listed would be provided in the final version of the report.

165. It was also observed that the section devoted to UNITAR read more like a brochure of general purport than like a description of specific activities and that its style should perhaps be harmonized with that of the rest of the report.

166. The remark was made that no precise information was provided on the workshop to be organized in cooperation with the United Nations as a contribution to the United Nations Decade of International Law. The hope was furthermore expressed that UNESCO would find it possible to reduce the price of its publications.

167. The view was reiterated in this context that the report would serve a more useful purpose if section III covered in more detail the various activities planned for the next biennium, so that the Advisory Committee could express its views on them.

168. As regards the training of interns, it was agreed to include in the report a recommendation to the Secretary-General on the publicity to be given to the relevant programmes and on the modalities of selection of the interns.

169. Concern was voiced that, despite the increase in the membership of the Organization, the Programme was benefiting fewer and fewer States. In this connection, it was noted that, owing to financial constraints, no refresher course had been offered in the last few years. The hope was expressed that the Committee would make concrete proposals to increase the resources available under the Programme.

170. As regards the proposal to create an audiovisual library on teaching international law, some delegations felt that audiovisual tapes could be a useful addition to the teaching programmes at universities and would allow for a wide dissemination of the teachings of leading jurists. In that connection, reference was made to the audiovisual tapes prepared by the Secretariat on the work of various organs of the United Nations such as the International Court of

Justice. The delegations in question therefore saw merit in pursuing the idea, on the understanding that a number of practical questions (budgetary implications, copyright, royalties, etc.) would have to be carefully considered.

171. Reservations were however expressed on the utility of the proposed library. Audiovisual tapes, it was stated, did not allow for interaction between professors and students and served a useful purpose only in relation to certain categories of persons (such as the handicapped) or to highly specialized issues of international law such as the delimitation of maritime boundaries. The remark was also made that the proposed library should not be limited to the official languages of the United Nations.

172. The Secretary explained that modern technology could and already did play an important role in teaching. Given current financial constraints and the fact that a limited number of persons had access to the seminars organized under the Programme, audiovisual tapes on various subjects of international law were a convenient tool to place at the disposal of educational institutions of States, especially developing States. Such tapes could address a variety of subjects, from the role of the organs of the Organization to theoretical aspects of international law, and could consist of a single lecture or a series of lectures, depending on demand and on the experience gained in implementing the project. The costs would have to be met through voluntary contributions and the Secretariat would try to enlist the cooperation of universities.

173. The Director of the Codification Division said that the Secretariat would reflect further on the matter in the light of the debate and submit a more detailed proposal for consideration by the Advisory Committee at its next session.

Notes

1/ Resolutions 2204 (XXI) of 16 December 1966, 2313 (XXII) of 14 December 1967, 2464 (XXIII) of 29 December 1968, 2550 (XXIV) of 12 December 1969, 2698 (XXV) of 11 December 1970, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 34/144 of 17 December 1979, 36/108 of 10 December 1981, 38/129 of 19 December 1983, 40/66 of 11 December 1985, 42/148 of 7 December 1987, 44/28 of 4 December 1989 and 46/50 of 9 December 1991. Information concerning action taken under the Programme in previous years is contained in the following reports of the Secretary-General to the General Assembly: Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 86, document A/6492 and Add.1; ibid., Twenty-second Session, Annexes, agenda item 90, document A/6816; ibid., Twenty-third Session, Annexes, agenda item 89, document A/7305; ibid., Twenty-fourth Session, Annexes, agenda item 91, document A/7740; ibid., Twenty-fifth Session, Annexes, agenda item 90, document A/8130; ibid., Twenty-sixth Session, Annexes, agenda item 91, document A/8505 and Corr.1 and 2; ibid., Twenty-eighth Session, Annexes, agenda item 98, document A/9242 and Corr.1; ibid., Thirtieth Session, Annexes, agenda item 117, document A/10332; ibid., Thirty-second Session, Annexes, agenda item 114, document A/32/326; ibid., Thirty-fourth Session, Annexes, agenda item 111, document A/34/693;

ibid., Thirty-sixth Session, Annexes, agenda item 113, document A/36/633; ibid., Thirty-eighth Session, Annexes, agenda item 122, document A/38/546; ibid., Fortieth Session, Annexes, agenda item 128, document A/40/893; ibid., Forty-second Session, Annexes, agenda item 127, document A/42/718; ibid., Forty-fourth Session, Annexes, agenda item 138, document A/44/712; ibid., Forty-sixth Session, Annexes, agenda item 124, document A/46/610; and ibid., Forty-seventh Session, Annexes, agenda item 139, document A/48/580.

2/ General Assembly resolution 44/23, preamble, and paras. 1 and 2 (d).

3/ See General Assembly resolutions 47/32 and 49/50, second preambular paragraph, subparagraph (d). See also chapter IV of the programme for the activities for the second term (1993-1994) and the third term (1995-1996) of the United Nations Decade of International Law, annexed to the resolutions. Chapter IV reads as follows:

"IV. Encouragement of the teaching, study, dissemination and wider appreciation of international law

"1. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should, in the context of the Decade, continue to formulate, as appropriate and in a timely manner, relevant guidelines for the Programme's activities and report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, particularly in the developing countries. States and other public or private bodies are encouraged to contribute to the strengthening of the United Nations Programme.

"2. States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries, on the other, should be encouraged.

"3. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

"4. States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training

courses, lectures and meetings and undertaking studies on various aspects of international law.

"5. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating in this respect with States.*

"6. Cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

"7. In order to make better known the practice of international law, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

"8. States and international organizations should encourage the publication of important international legal instruments and studies by highly qualified publicists, bearing in mind the possibility of assistance from private sources.**

"9. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

"10. International organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged."

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* In the programme for the activities for the third term (1995-1996), this paragraph was followed by a new paragraph 6:

"6. In connection with the training of military personnel, States are encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines for military manuals and instructions prepared by the International Committee of the Red Cross."

** In the programme for the activities for the third term (1995-1996), this paragraph was followed by a new paragraph 10:

"10. The Secretary-General, in cooperation with the Registry of the International Court of Justice, is encouraged to update the publication Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice (1948-1991), in all the official languages of the Organization and within the existing overall level of appropriations."

4/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 10 (A/47/10), chap. V, sect. H.

5/ Ibid., Forty-eighth Session, Supplement No. 10 (A/48/10), chap. VI, sect. E.

6/ Ibid., Forty-ninth Session, Supplement No. 10 (A/49/10), para. 409.

7/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 10 (A/50/10), chap. VII, sect. E.

8/ Ibid., para. 523.

9/ Ibid., chap. VII, sect. E.

10/ Ibid., para. 527.

11/ Ibid., para. 528.

12/ General Assembly resolutions 46/53, para. 1: 47/32, para. 1; 48/30, para. 1; and 49/50, para. 1.

13/ For a discussion on how the fellowship became integrated into the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, see A/36/633, paras. 55-57 and 84-86.

14/ The person identified for the 1993 annual award of the fellowship on the Law of the Sea could not, owing to work commitments, take up the fellowship. As it was too late to substitute another candidate or to make the necessary arrangements for the year 1994 with another educational institution, the 1993 fellowship was not used.

15/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17 (A/36/17), para. 109.

16/ Ibid., Forty-second Session, Supplement No. 17 (A/42/17), para. 335.

17/ Ibid., Forty-ninth Session, Supplement No. 17 (A/49/17), paras. 232-239, and Fiftieth Session, Supplement No. 17 (A/50/17), paras. 412-423.

18/ Such organizations and institutions include: Arab Commission for International Law, Asian-African Legal Consultative Committee, European

Committee on Legal Cooperation, Inter-American Juridical Committee, Commission of the European Communities, Hague Conference of Private International Law, International Institute for the Unification of Private Law, Organization of American States, Hague Academy of International Law, European Community, Latin American Economic System, League of Arab States and Organization of African Unity.

19/ See for instance, in the June 1994 issue (XXXI, No. 2), articles or notes on human rights, international criminal tribunal, outer space bodies and seabed mining; in the March issue (XXXII, No. 1), notes on Convention on the Safety of United Nations and Associated Personnel, Terrorism Declaration; and in the June issue (XXXII, No. 2), three articles on the International Seabed Authority, the United Nations Congress on Public International Law and the suggested deletion of the "enemy States" clauses of the Charter of the United Nations.

20/ United Nations publication, Sales No. E.94.V.9 (English, French, Spanish).

21/ United Nations publication, Sales No. E.94.V.13 (English, French, Spanish).

22/ United Nations publication, Sales No. E.95.V.7 (English, French, Spanish).

23/ United Nations publication, Sales No. E.94.V.1 (English only).

24/ United Nations publications, Sales Nos. E.94.V.10 (English only) and E.95.V.11 (English only).

25/ Countries whose institutions received United Nations publications include the following: Afghanistan, Albania, Algeria, Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zambia, Zaire and Zimbabwe. See further discussion on the question during the seventeenth session of the Advisory Committee (A/38/546, paras. 83 and 84), at its nineteenth session (A/40/893, paras. 84-87) and at its twenty-third session (A/44/712, para. 120).

26/ Institutions from the following countries have been included among the recipients of publications from the International Court of Justice: Argentina, Brazil, Egypt, India, Morocco, Mozambique, Niger, Pakistan, Papua New Guinea, Poland, Spain, Syrian Arab Republic, Viet Nam and Zimbabwe.

27/ Those recently established information centres are located at Brazzaville, Dhaka, Harare, Managua and Ouagadougou.

28/ In 1994, the following were in charge of The Hague special seminars: Professor Laurence Boisson de Chazournes, Graduate Institute of Geneva; Mr. P. Couvreur, Secretary of the International Court of Justice; Mr. A. De Zayas, Complaints Procedure Branch, Centre for Human Rights, Geneva; Mr. Gerold Hermann, Secretary, United Nations Commission on International Trade Law (UNCITRAL), Vienna; Mr. Ivor C. Jackson, former Deputy Director, Division of Refugees Law and Doctrine, Office of the United Nations High Commissioner for Refugees, Geneva; Mr. P. H. G. Jonkman, Secretary General, Permanent Court of Arbitration, The Hague; Mr. Michael Graf von Korff-Schmising, Head of Section, Federal Ministry of Economics, Bonn; Mr. F. T. Liu, Special Adviser, International Peace Academy, New York, and former United Nations Assistant Secretary-General for Special Political Affairs; Mr. Umesh Palwankar, Legal Division, International Committee of the Red Cross, Geneva; Mr. Manuel Rama-Montaldo, Senior Legal Officer, United Nations Office of Legal Affairs, New York; Professor Nico Schrijver, Senior Lecturer in International Law, Institute of Social Studies, The Hague; Professor Jacques Soubeyrol, Professor of International Law, University of Bordeaux; Mr. Arthur Witteveen, Secretary of the International Court of Justice, The Hague; Mr. Abdulqawi A. Yusuf, Representative of the United Nations Conference on Trade and Development, New York; and Professor Elisabeth Zoller, Professor of Public International Law, University of Strasbourg III.

29/ In 1995, the following were in charge of The Hague special seminars: Ms. Laurence Boisson de Chazournes, Professor of International Environmental Law, Graduate Institute of International Studies, University of Geneva; Mr. Jean-Claude Concolato, Head of the Liaison Office of the United Nations High Commissioner for Refugees, The Hague; Mr. Philippe Couvreur, Secretary of the International Court of Justice, The Hague; Ms. Yolande Diallo, Chief, Information, Publications and External Relations, Centre for Human Rights, Geneva; Ms. Birgitta Ekterkade, Preparatory Commission of the Organization for the Prohibition of Chemical Weapons, The Hague; Mr. Jeffrey Gertler, Counsellor, Legal Affairs Division, World Trade Organization, Geneva; H.E. Winfried Lang, Ambassador of Austria to the United Nations, Geneva, and Professor of International Law; Mr. F. T. Liu, Special Adviser, International Peace Academy, New York, former United Nations Assistant Secretary-General for Special Political Affairs; Mr. Nasser Ali Mansurian, Legal Advisor, United States-Iran Claims Tribunal, The Hague; Ms. Gabrielle Marceau, Legal Affairs Officer, Legal Affairs Division, World Trade Organization, Geneva; Mr. Allahyar Mouri, Legal Assistant, United States-Iran Claims Tribunal, The Hague; Mr. Marco Sassoli, Deputy Head of the Legal Division, International Committee of the Red Cross, Geneva; Ms. Betty Shifman, First Secretary, Permanent Court of Arbitration, The Hague; Mr. Nico Schrijver, Senior Lecturer in International Law, Institute of Social Studies, The Hague; Mr. Johannes G. Van Aggelen, Deputy Chief, Information, Publications and External Relations, Centre for Human Rights,

Geneva; Mr. Andrew Williams, Director, Graduate School of International Relations, University of Kent, Canterbury; and Mr. Arthur Witteveen, Secretary of the International Court of Justice, The Hague.

30/ Paris, UNESCO, 1994.

31/ Third edition (Paris, UNESCO, 1994), 245 pages.

32/ For the report to the forty-eighth session, see A/49/323 and Add.1-3, chap. II.D. For the report to the fiftieth session, see A/50/368 and Add.1, chap. II.D.

33/ See General Assembly resolutions 45/40, annex, chap. V, para. 5; 47/32, annex, chap. V, para. 6; and 49/50, chap. V, para. 6.

34/ The 1994 and 1995 contributions of Switzerland have been applied to the symposia organized by UNCITRAL.